

**WILLIAMSBURG  
BOARD OF ZONING APPEALS  
WORK SESSION MINUTES**

**January 31, 2006**

The work session of the Williamsburg Board of Zoning Appeals was held on Tuesday, January 31, 2006 at 4:00 p.m. in the Williamsburg Municipal Building, 401 Lafayette Street.

**CALL TO ORDER and ATTENDANCE**

Chairman White called the meeting to order. Present in addition to Mrs. White were Board members Lamson, Carr, Knudson and Goddin. Staff members present were Zoning Administrator Murphy, Planning Director Nester and Assistant City Attorney Workman.

Chairman White opened the meeting noting no members of the public were present in the audience. She noted the purpose of the meeting was to discuss the current ordinance requirements for variance, the hardship requirement and the effects of recent Supreme Court decisions on the issuance of variances by the Board of Zoning Appeals.

A review of Section 21-97 of the Zoning Ordinance which relates to variances and the Cochran Virginia Supreme Court case (Fairfax, Pulaski and Virginia Beach cases) were discussed. A discussion followed on new construction, tear-downs, additions and modifications to existing buildings, financial considerations and takings as they related to variance requests. It was noted that a hardship had been defined stringently by recent Supreme Court decisions and that the Board of Zoning Appeals must find that a hardship exists before proceeding on with mitigating factors or conditions.

Mr. Nester reviewed the Comprehensive Plan process and recommendations for the City noting approval by City Council was expected some time this summer with twelve months of amendments to update the Zoning Ordinance after adoption of the Comprehensive Plan.

Mr. Carr requested clarification for site visits: could a Board member talk to the owner and other representatives on site. He noted the Board currently visits each site independently in their own vehicles and not together in the City van. It was noted that site visits were advertised and members of the general public could attend. Ms. Workman stated that discussion at the site should be limited to findings of fact for the purpose of making a decision on the specific case.

Mr. Nester noted that if a pattern of variance requests were emerging, the Board could request Planning Commission to look at a specific zoning district to determine if changes were needed.

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It was agreed upon by the Board that special work sessions to discuss the role of the Board of Zoning Appeals among the members were helpful and should be conducted semi-annually.

Board members thanked Mr. Nester and Ms. Workman for attending the meeting.

There being no further business the meeting adjourned at 6:10 p.m.

Respectfully submitted,

Elizabeth L. White, Chairman  
Board of Zoning Appeals